

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

LUIS ADAMES MILAN, et als.,
Plaintiffs,

CIVIL NO. 05-1377 (DRD)

v.

**CENTENNIAL COMMUNICATIONS
CORP., et als.,**
Defendants

ORDER

Pending before the Court is plaintiffs' *Motion to Amend Complaint*. (Docket No. 38). Through said motion, plaintiffs request the Court to allow them to amend the complaint in order to add a claim pursuant to Puerto Rico Law 80, P.R. Laws Ann. tit. 29 § 185a *et seq.*, as well as additional plaintiffs – Rafael Alphonso, Yadira Miller, Jorge Rodriguez, Damaris Ferrer-Roldan, Ivanhoe Maldonado, Daniel Torres, and Hector Juday – and to correct the fact that plaintiff Evelyn Santiago Ruiz is, in fact, a full time employee, rather than a part time employee. Defendants opposed the motion for leave to file amended complaint arguing that said request is untimely provided that it was made after the discovery period and dispositive motion deadlines had expired (that is to say, over a year). The Court notes, however, that over a year could not have elapsed provided that the claim was filed on April of 2005 and the motion to amend on February 2006. Defendants further argue that plaintiffs did not offer any reason whatsoever to justify said amendment. The Court, notwithstanding, notes that plaintiffs move for an amendment as a result of their having been terminated and not paid benefits pursuant to Law 80. Additionally, the Court deems that judicial economy dictates that all parties will be better served by all supplemental jurisdiction claims being attended to by this forum rather than segment plaintiffs' claims.

The Court notes that Rule 15(a) provides that "leave shall be freely given when justice so requires". Foman v. Davis, 371 U.S. 178, 182 (1962). It is well known that amendments to correct deficiency in pleadings should be freely given when justice so requires. Gaffney v. Silk, 488 F.2d 1248, 1251 (1st Cir. 1973). Further, if the amended complaint would state a valid cause of action, a motion to amend should normally be granted. Id. Normally, the most frequent reason for denying leave to amend is that the party opposing the amendment will be prejudiced if the pleadings amendment is granted. 6 Wright, Miller & Kane, Federal Practice and Procedure: Civil 2d § 1487, (1990), p. 613. (Citations omitted). "In the absence of any apparent or declared reason—such as undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment, futility of amendment, etc.— the leave sought should, as the rule require, be 'freely given'". Foman v. Davis, 371 U.S. at 182. Because the Court deems that no prejudice will be suffered by defendants, especially as to adding the new Law 80 claim, the **TENDERED** Amended Complaint (Docket No. 38) is hereby **GRANTED**.

Accordingly, the Court now **WITHDRAWS** its referral order found at docket no. 25;

DENIES WITHOUT PREJUDICE defendants' respective motions for summary judgment found at docket nos. 15, 16, and 17; and declares **MOOT** defendants' motion to strike plaintiffs' opposition found at docket no. 43.

Finally, defendants are to **ANSWER THE AMENDED COMPLAINT ON OR BEFORE WEDNESDAY, MARCH 29, 2006**. Defendants shall file **ONE** summary judgment motion **ON OR BEFORE FRIDAY, APRIL 28, 2006**. Said motion, memorandum of law, statement of facts, and exhibits shall be amended, if necessary, to address all previous and new claims (including the Law 80 claim and the potential prescription as to the ne plaintiffs); and shall not exceed thirty (30) pages. Opposition thereto shall be filed **ON OR BEFORE TUESDAY, MAY 30, 2006** and shall not exceed thirty (30) pages. **No replies and sur-replies will be authorized. ABSOLUTELY NO EXTENSIONS WILL BE GRANTED.**

IT IS SO ORDERED.

In San Juan, Puerto Rico, this 9th day of March of 2006.

s/Daniel R. Dominguez
DANIEL R. DOMINGUEZ
U.S. DISTRICT COURT